

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 162

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO JURY SELECTION AND SERVICE; AMENDING SECTION 2-215, IDAHO CODE, TO ESTABLISH ADDITIONAL PROVISIONS RELATING TO JUROR COMPENSATION; AMENDING SECTION 2-220, IDAHO CODE, TO ESTABLISH AN ADDITIONAL POWER OF THE SUPREME COURT TO MAKE RULES CONCERNING JURIES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 2, TITLE 2, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 2-222, IDAHO CODE, TO ESTABLISH THE LENGTHY TRIAL JUROR COMPENSATION FUND, TO PROVIDE FOR MONEYS IN THE FUND, TO PROVIDE THAT THE IDAHO SUPREME COURT SHALL ADMINISTER THE FUND, TO SPECIFY HOW MONEYS IN THE FUND ARE TO BE EXPENDED AND TO PROVIDE FOR AN APPLICATION FOR REIMBURSEMENT PROCESS; AMENDING SECTION 31-3201A, IDAHO CODE, TO INCREASE CERTAIN FEES AND TO PROVIDE FOR THE DEPOSIT OF CERTAIN FEES; AND PROVIDING EFFECTIVE DATES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2-215, Idaho Code, be, and the same is hereby amended to read as follows:

2-215. MILEAGE AND PER DIEM OF JURORS. A juror shall be paid mileage for his travel expenses from his residence to the place of holding court and return at the same rate per mile as established by resolution of the county commissioners for county employees in the county where the juror resides, and shall be compensated at the following rate, to be paid from the county treasury:

(1) Five dollars (\$5.00), or a rate of more than five dollars (\$5.00) up to twenty-five dollars (\$25.00) as determined by the county commissioners of the county where the juror resides, for each one-half (1/2) day, or portion thereof, unless the juror travels more than thirty (30) miles from his residence in which event he shall receive ten dollars (\$10.00), or a rate of more than ten dollars (\$10.00) up to fifty dollars (\$50.00) as determined by the county commissioners of the county where the juror resides, for each one-half (1/2) day or portion thereof;

(2) Ten dollars (\$10.00), or a rate of more than ten dollars (\$10.00) up to fifty dollars (\$50.00) as determined by the county commissioners in the county where the juror resides, for each day's required attendance at court of more than one-half (1/2) day;

(3) Fifty dollars (\$50.00) for each day's required attendance at court that exceeds five (5) days for one (1) trial.

SECTION 2. That Section 2-220, Idaho Code, be, and the same is hereby amended to read as follows:

2-220. POWER OF SUPREME COURT TO MAKE RULES CONCERNING JURIES. The ~~S~~supreme ~~C~~court may make and amend rules, not inconsistent with this act,

1 regulating the selection and service of jurors and for the administration
 2 of the lengthy trial juror compensation fund established in section 2-222,
 3 Idaho Code.

4 SECTION 3. That Chapter 2, Title 2, Idaho Code, be, and the same is
 5 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 6 ignated as Section 2-222, Idaho Code, and to read as follows:

7 2-222. LENGTHY TRIAL JUROR COMPENSATION FUND. There is hereby estab-
 8 lished in the state treasury the lengthy trial juror compensation fund. The
 9 fund shall be administered by the Idaho supreme court and shall consist of
 10 moneys deposited into the fund pursuant to section 31-3201A, Idaho Code. Any
 11 fund balances at the end of the court's fiscal year may carry over into the
 12 ensuing fiscal year. The moneys in the fund shall be expended on an equi-
 13 table basis among counties as determined by the Idaho supreme court for the
 14 purpose of reimbursing counties for juror compensation for service that ex-
 15 ceeds five (5) days for one (1) trial. On and after September 30, 2017, any
 16 board of county commissioners may file an annual application with the ad-
 17 ministrative director of the courts requesting a reimbursement for moneys
 18 the county paid for lengthy trial juror compensation under section 2-215(3),
 19 Idaho Code. The application shall be filed at the end of the county's fiscal
 20 year and in a manner and form, and be accompanied by such information, as pre-
 21 scribed by the supreme court. Upon approval of an application by the admin-
 22 istrative director, the administrative director shall make available moneys
 23 from the fund in an amount of forty dollars (\$40.00) per juror for each day of
 24 jury service beginning on the sixth day.

25 SECTION 4. That Section 31-3201A, Idaho Code, be, and the same is hereby
 26 amended to read as follows:

27 31-3201A. COURT FEES. The clerk of the district court in addition to
 28 the fees and charges imposed by chapter 20, title 1, Idaho Code, and by sec-
 29 tion 31-3201, Idaho Code, and in addition to the fee levied by chapter 2, ti-
 30 tle 73, Idaho Code, shall charge, demand and receive the following fees for
 31 services rendered by him in discharging the duties imposed upon him by law:

32 (1) Civil cases. A fee of one hundred seventy-five ~~seven~~ seven dollars
 33 (\$175~~7~~) for filing a civil case of any type in the district court, except for
 34 those cases to be assigned to the magistrate's division of the district court
 35 for which the fee shall be one hundred twenty ~~two~~ two dollars (\$120~~2~~), with the
 36 following exceptions:

37 (a) The fee for small claims shall be as provided in section 1-2303,
 38 Idaho Code;

39 (b) No filing fee shall be charged in the following types of cases:

40 (i) Cases brought under chapter 3, title 66, Idaho Code, for com-
 41 mitment of mentally ill persons;

42 (ii) Cases brought under the juvenile corrections act;

43 (iii) Cases brought under the child protective act;

44 (iv) Demands for bond before a personal representative is ap-
 45 pointed in probate;

46 (v) Petitions for sterilization;

47 (vi) Petitions for judicial consent to abortion;

- (vii) Registration of trusts and renunciations;
- (viii) Petitions for leave to compromise the disputed claim of a minor;
- (ix) Petitions for a civil protection order or to enforce a foreign civil protection order pursuant to chapter 63, title 39, Idaho Code;
- (x) Objections to the appointment of a guardian filed by a minor or an incapacitated person;
- (xi) Proceedings to suspend a license for nonpayment of child support pursuant to section 7-1405, Idaho Code;
- (xii) Proceedings under the uniform post-conviction procedure act as provided in chapter 49, title 19, Idaho Code;
- (xiii) Filings of a custody decree from another state;
- (xiv) Filings of any answer after an initial appearance fee has been paid.

The filing fee shall be distributed as follows: seventeen dollars (\$17.00) of such filing fee shall be paid to the county treasurer for deposit in the district court fund of the county; one hundred thirty-five dollars (\$135) of such filing fee, or in a case assigned to the magistrate division of the district court eighty dollars (\$80.00) of such filing fee, shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund; seventeen dollars (\$17.00) of such filing fee shall be paid to the county treasurer who shall pay such fees to the state treasurer for deposit in accordance with subsection (15) of this section; ~~and~~ six dollars (\$6.00) of such filing fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund; and two dollars (\$2.00) of such filing fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit in the lengthy trial juror compensation fund as established in section 2-222, Idaho Code.

(2) Felonies and misdemeanors. A fee of seventeen dollars and fifty cents (\$17.50) shall be paid, but not in advance, by each person found guilty of any felony or misdemeanor, except when the court orders such fee waived because the person is indigent and unable to pay such fee. If the magistrate court facilities are provided by the county, five dollars (\$5.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; and twelve dollars and fifty cents (\$12.50) of such fee shall be paid to the county treasurer who shall pay such fees to the state treasurer for deposit in accordance with subsection (15) of this section. If the magistrate court facilities are provided by a city, five dollars (\$5.00) of such fee shall be paid to the city treasurer for deposit in the city general fund, two dollars and fifty cents (\$2.50) of such fee shall be paid to the city treasurer for deposit in the city capital facilities fund for the construction, remodeling and support of magistrate court facilities, and ten dollars (\$10.00) of such fee shall be paid to the county treasurer who shall pay such fees to the state treasurer for deposit in accordance with subsection (15) of this section.

1 (3) Infractions. A fee of sixteen dollars and fifty cents (\$16.50)
2 shall be paid, but not in advance, by each person found to have committed
3 an infraction or any minor traffic, conservation or ordinance violation;
4 provided that the judge or magistrate may in his or her discretion consoli-
5 date separate nonmoving traffic offenses into one (1) offense for purposes
6 of assessing such fee. If the magistrate court facilities are provided by
7 the county, five dollars (\$5.00) of such fee shall be paid to the county
8 treasurer for deposit in the district court fund of the county; and eleven
9 dollars and fifty cents (\$11.50) of such fee shall be paid to the county
10 treasurer, who shall pay such fees to the state treasurer for deposit in
11 accordance with subsection (15) of this section. If the magistrate court
12 facilities are provided by a city, five dollars (\$5.00) of such fee shall be
13 paid to the city treasurer for deposit in the city general fund, two dollars
14 and fifty cents (\$2.50) of such fee shall be paid to the city treasurer for
15 deposit in the city capital facilities fund for the construction, remodeling
16 and support of magistrate court facilities, and nine dollars (\$9.00) of such
17 fee shall be paid to the county treasurer who shall pay such fees to the state
18 treasurer for deposit in accordance with subsection (15) of this section.

19 (4) Initial appearance other than plaintiff. A fee of one hundred dol-
20 lars (\$100) shall be paid for any filing constituting the initial appearance
21 by a party, except the plaintiff, in any civil action in the district court
22 or in the magistrate's division of the district court, except small claims.
23 If two (2) or more parties are making their initial appearance in the same
24 filing, then only one (1) filing fee shall be collected. Of such fee, four
25 dollars (\$4.00) shall be paid to the county treasurer for deposit in the dis-
26 trict court fund of the county; eighty dollars (\$80.00) of such fee shall be
27 paid to the county treasurer who shall, within five (5) days after the end
28 of the month, pay such fees to the state treasurer for deposit into the court
29 technology fund; ten dollars (\$10.00) of such fee shall be paid to the county
30 treasurer who shall pay such fees to the state treasurer for deposit in ac-
31 cordance with subsection (15) of this section; and six dollars (\$6.00) of
32 such fee shall be paid to the county treasurer who shall, within five (5) days
33 after the end of the month, pay such fees to the state treasurer for deposit
34 in the senior magistrate judges fund.

35 (5) Accountings. A fee of nine dollars (\$9.00) shall be paid by the per-
36 son or persons required to make an account pursuant to title 15, Idaho Code,
37 at the time such account is filed. All of such fee shall be paid to the county
38 treasurer for deposit in the district court fund of the county.

39 (6) Distribution of estate. A fee of twenty-five dollars (\$25.00)
40 shall be paid upon the filing of a petition of the executor or administrator
41 or of any person interested in an estate for the distribution of such estate,
42 six dollars (\$6.00) of such fee shall be paid to the county treasurer for
43 deposit in the district court fund of the county; thirteen dollars (\$13.00)
44 of such fee shall be paid to the county treasurer who shall pay such fees to
45 the state treasurer for deposit in accordance with subsection (15) of this
46 section; and six dollars (\$6.00) of such fee shall be paid to the county
47 treasurer who shall, within five (5) days after the end of the month, pay such
48 fees to the state treasurer for deposit in the senior magistrate judges fund.

49 (7) Third party claim. A fee of fourteen dollars (\$14.00) shall be paid
50 by a party filing a third party claim as defined in the Idaho rules of civil

1 procedure. Eight dollars (\$8.00) of such fee shall be paid to the county
2 treasurer for deposit in the district court fund of the county; and six dol-
3 lars (\$6.00) of such fee shall be paid to the county treasurer who shall,
4 within five (5) days after the end of the month, pay such fees to the state
5 treasurer for deposit in the senior magistrate judges fund.

6 (8) Cross-claims. A fee of fourteen dollars (\$14.00) shall be paid by
7 any party filing a cross-claim. Eight dollars (\$8.00) of such fee shall be
8 paid to the county treasurer for deposit in the district court fund of the
9 county; and six dollars (\$6.00) of such fee shall be paid to the county trea-
10 surer who shall, within five (5) days after the end of the month, pay such
11 fees to the state treasurer for deposit in the senior magistrate judges fund.

12 (9) Change of venue. A fee of twenty-nine dollars (\$29.00) shall be
13 paid by a party initiating a change of venue. Such fee shall be paid to the
14 clerk of the court of the county to which venue is changed. Nine dollars
15 (\$9.00) of such fee shall be paid to the county treasurer for deposit in the
16 district court fund of the county and twenty dollars (\$20.00) of such fee
17 shall be paid to the county treasurer who shall, within five (5) days after
18 the end of the month, pay such fees to the state treasurer for deposit into
19 the court technology fund.

20 (10) Reopening a case.

21 (a) A fee of eighty-five dollars (\$85.00) shall be paid by any party
22 appearing after judgment or applying to reopen a case. Nine dollars
23 (\$9.00) of such fee shall be paid to the county treasurer for deposit
24 in the district court fund of the county; six dollars (\$6.00) of such
25 fee shall be paid to the county treasurer who shall, within five (5)
26 days after the end of the month, pay such fees to the state treasurer
27 for deposit in the senior magistrate judges fund; and seventy dollars
28 (\$70.00) of such fee shall be paid to the county treasurer who shall,
29 within five (5) days after the end of the month, pay such fees to the
30 state treasurer for deposit into the court technology fund.

31 (b) A fee of one hundred eight dollars (\$108) shall be paid by a party
32 applying to reopen a divorce action or modify a divorce decree, with
33 seventeen dollars (\$17.00) of the fee to be paid to the county treasurer
34 for deposit in the district court fund of the county; fifteen dollars
35 (\$15.00) of such fee to be paid to the county treasurer who shall pay
36 such fees to the state treasurer for deposit in accordance with subsec-
37 tion (15) of this section; six dollars (\$6.00) of such fee to be paid to
38 the county treasurer who shall, within five (5) days after the end of the
39 month, pay such fees to the state treasurer for deposit in the senior
40 magistrate judges fund; and seventy dollars (\$70.00) of such fee shall
41 be paid to the county treasurer who shall, within five (5) days after the
42 end of the month, pay such fees to the state treasurer for deposit into
43 the court technology fund.

44 (c) When the application to reopen a case consists only of a motion or
45 other pleading to revive or renew a judgment, a fee of twenty-nine dol-
46 lars (\$29.00) shall be paid by the party filing the motion or pleading.
47 Nine dollars (\$9.00) of such fee shall be paid to the county treasurer
48 for deposit in the district court fund of the county and twenty dollars
49 (\$20.00) of such fee shall be paid to the county treasurer who shall,

1 within five (5) days after the end of the month, pay such fees to the
2 state treasurer for deposit into the court technology fund.

3 (11) Appeal to district court. A fee of thirty-five dollars (\$35.00)
4 shall be paid by a party taking an appeal from the magistrate's division of
5 the district court to the district court; nine dollars (\$9.00) of such fee
6 shall be paid to the county treasurer for deposit in the district court fund
7 of the county; six dollars (\$6.00) of such fee shall be paid to the county
8 treasurer who shall, within five (5) days after the end of the month, pay such
9 fees to the state treasurer for deposit in the senior magistrate judges fund;
10 and twenty dollars (\$20.00) of such fee shall be paid to the county treasurer
11 who shall, within five (5) days after the end of the month, pay such fees to
12 the state treasurer for deposit into the court technology fund. No addi-
13 tional fee shall be required if a new trial is granted.

14 (12) Appeal to supreme court. A fee of thirty-five dollars (\$35.00)
15 shall be paid by the party taking an appeal from the district court to the
16 supreme court for comparing and certifying the transcript on appeal, if such
17 certificate is required. Nine dollars (\$9.00) of such fee shall be paid to
18 the county treasurer for deposit in the district court fund of the county;
19 six dollars (\$6.00) of such fee shall be paid to the county treasurer who
20 shall, within five (5) days after the end of the month, pay such fees to the
21 state treasurer for deposit in the senior magistrate judges fund; and twenty
22 dollars (\$20.00) of such fee shall be paid to the county treasurer who shall,
23 within five (5) days after the end of the month, pay such fees to the state
24 treasurer for deposit into the court technology fund.

25 (13) Fees not covered by this section, including fees to defray the
26 costs of electronic access to court records other than the register of ac-
27 tions, shall be set by rule or administrative order of the supreme court.

28 (14) All fees required to be paid by this section or by rule or admin-
29 istrative order of the supreme court shall be collected by the clerk of the
30 district court or by a person appointed by the clerk of the district court
31 for this purpose. If it appears that there is a necessity for such fees to
32 be collected by persons other than the clerk of the district court or a per-
33 son designated by the clerk for such purpose, the supreme court by rule or
34 administrative order may provide for the designation of persons authorized
35 to receive such fees. Persons so designated shall account for such fees in
36 the same manner required of the clerk of the district court and shall pay such
37 fees to the clerk of the district court of the county in which such fees are
38 collected.

39 (15) That portion of the filing fees required to be remitted to the state
40 treasurer for deposit pursuant to subsections (1), (2), (3), (4), (6) and
41 (10) of this section shall be apportioned eighty-six percent (86%) to the
42 state general fund and fourteen percent (14%) to the peace officers stan-
43 dards and training fund authorized in section 19-5116, Idaho Code, within
44 five (5) days after the end of the month in which such fees were remitted to
45 the county treasurer. That portion of the filing fees required to be remit-
46 ted to a city treasurer for deposit in the city's general fund shall be re-
47 mitted within five (5) days after the end of the month in which such fees were
48 remitted to the county treasurer.

49 (16) Of the fees derived from the filing of any divorce action required
50 to be transmitted to the state treasurer, the county treasurer shall retain

1 five dollars (\$5.00), which shall be separately identified and deposited in
2 the district court fund of the county. Such moneys shall be used exclusively
3 for the purpose of establishing a uniform system of qualifying and approving
4 persons, agencies or organizations to conduct evaluations of persons con-
5 victed of domestic assault or battery as provided in section 18-918, Idaho
6 Code, and the administration of section 18-918(7), Idaho Code, relating to
7 the evaluation and counseling or other treatment of such persons, includ-
8 ing the payment of the costs of evaluating and counseling or other treatment
9 of an indigent defendant. No provision of chapter 52, title 39, Idaho Code,
10 shall apply to the moneys provided for in this subsection.

11 (17) In consideration of the aforesaid fees, the clerk of the district
12 court shall be required to perform all lawful service that may be required of
13 him by any party thereto; provided, that he shall not prepare and furnish any
14 certified copy of any file or record in an action except printed transcript
15 on appeal, without additional compensation as provided by law.

16 SECTION 5. Sections 2, 3 and 4 of this act shall be in full force and
17 effect on and after October 1, 2015. Section 1 of this act shall be in full
18 force and effect on and after October 1, 2016.